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6 LEGISLATIVE HEARING ON FOUR

7 TELECOMMUNICATIONS BILLS

8 THURSDAY, MARCH 22, 2018

9 House of Representatives

10 Subcommittee on Communications and

11 Technology

12 Committee on Energy and Commerce

13 Washington, D.C.

14

15

16

17 The subcommittee met, pursuant to call, at 10:15 a.m., in  
18 Room 2322 Rayburn House Office Building, Hon. Marsha Blackburn  
19 [chairman of the subcommittee] presiding.

20 Members present: Representatives Blackburn, Lance, Shimkus,  
21 Latta, Olson, Kinzinger, Bilirakis, Johnson, Flores, Brooks,  
22 Collins, Costello, Doyle, Welch, Loeb sack, Eshoo, Engel, Matsui,

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23 McNerney, and Pallone (ex officio).

24 Also present: Representatives Tonko, Schrader, and Stewart.

25 Staff present: Jon Adame, Policy Coordinator,  
26 Communications and Technology; Robin Colwell, Chief Counsel,  
27 Communications and Technology; Sean Farrell, Professional Staff  
28 Member, Communications and Technology; Adam Fromm, Director of  
29 Outreach and Coalitions; Elena Hernandez, Press Secretary; Tim  
30 Kurth, Deputy Chief Counsel, Communications and Technology;  
31 Lauren McCarty, Counsel, Communications and Technology; Austin  
32 Stonebraker, Press Assistant; Evan Viau, Legislative Clerk,  
33 Communications and Technology; Jeff Carroll, Minority Staff  
34 Director; Jennifer Epperson, Minority FCC Detailee; David  
35 Goldman, Minority Chief Counsel, Communications and Technology;  
36 Tiffany Guarascio, Minority Deputy Staff Director and Chief  
37 Health Advisor; Jerry Leverich, Minority Counsel; Jourdan Lewis,  
38 Minority Staff Assistant; Dan Miller, Minority Policy Analyst;  
39 and C.J. Young, Minority Press Secretary.

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40           Mr. Shimkus. [Presiding.] We are going to call the hearing  
41 to order and get our panelists to take seats. That's to help us  
42 get our arrangement for how we ask questions. They've called  
43 votes. So we are going to adjourn -- I mean, recess.

44           We are going to go vote and then we are going to come back.  
45 So you can keep walking around. But your place in line has been  
46 saved.

47           So with that --

48           [Recess.]

49           Mrs. Blackburn. [Presiding.] All right. The committee  
50 will reconvene, and I recognize myself for five minutes for an  
51 opening statement.

52           And I want to welcome you all. I apologize to everyone. We  
53 thought we had votes at 10:00 and then it was going to be 10:10  
54 and come on back over here -- you know, it's just one of those  
55 days -- a get away day, an omnibus day, and we are going to go  
56 ahead and start this hearing because you never know when the bell  
57 is going to go off.

58           A little less than two months ago, we did our first  
59 legislative hearing. This is our second. We sat here in this  
60 room discussing 25 pieces of legislation addressing broadband  
61 infrastructure, representing all the views on the table.

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62           Last month, we shocked the naysayers by shepherding many of  
63 the subcommittee's top priorities through the full committee  
64 unanimously in RAY BAUM'S Act.

65           Today, just as that package is about to head to the  
66 president's desk, we've got four more bipartisan bills that  
67 address everything from combating illegal pirate radio to  
68 identifying ways technology can help prevent suicide across the  
69 country.

70           I couldn't be more pleased with the work of members of the  
71 subcommittee and all the important initiatives we've gotten some  
72 work going on this year.

73           I'd also like to commend Congressman Stewart on being a  
74 champion for the National Suicide Hotline Improvement Act, which  
75 currently has 78 co-sponsors, including seven of our subcommittee  
76 members: Bilirakis, Clarke, Eshoo, Flores, McKinley, Rush, and  
77 Tonko.

78           Suicide is the tenth leading cause of death in Tennessee,  
79 and this legislation would make it easier for those facing a mental  
80 crisis to get the help they need with a dedicated N11 number.

81           We'll also be discussing Mr. McKinley and Mr. Welch's bill,  
82 the Rural Reasonable and Comparable Wireless Access Act, which  
83 takes a new perspective on getting wireless broadband out to rural

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84 areas.

85 This subcommittee has long been looking for ways to close  
86 the digital divide, and today we have got another potential  
87 solution -- bipartisan, I will add.

88 And speaking of infrastructure, another bill which could  
89 help spur investment in broadband infrastructure is Mr. Latta and  
90 Mr. Schrader's Small Entity Regulatory Relief Opportunity Act,  
91 or SERRO.

92 Small entities across the country, regardless of technology,  
93 face miles of red tape at the FCC to comply with regulations  
94 designed for large providers.

95 Money that those small, often rural entities spend on  
96 complying with regulations is money that could be used for  
97 investing in broadband deployment, and it's important for us and  
98 the Commission to keep this in mind instead of assuming that one  
99 size should fit all in every case.

100 Finally, we'll be discussing Mr. Lance and Mr. Tonko's PIRATE  
101 Act, which many members of the subcommittee have worked on,  
102 including Mr. Collins, Tonko, Bilirakis, Green, Moulton, King,  
103 and Dingell.

104 Illegal pirate radio disrupts access to important public  
105 safety communications, including our nation's Emergency Alert

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106 System and critical aviation frequencies. These illegal  
107 broadcasts deprive Americans of important programming provided  
108 by legitimate license-holders serving the public interest.

109 It's high time we pay more attention to the harm being done  
110 to consumers and broadcasters alike.

111 I'd like to thank our witnesses for being here, and Mr. Lance  
112 is not here so would anyone like the one minute?

113 Mr. Latta, you're recognized.

114 Mr. Latta. Well, thank you, Madam Chair, and I appreciate  
115 you holding today's hearing on these four bills, including my own,  
116 the Small Entity Regulatory Relief Opportunity Act, or SERRO.

117 Recognizing that small businesses are the engines of our  
118 economy and do not require the same level of regulatory oversight  
119 as large entities, the gentleman from Oregon, Mr. Schrader, and  
120 I put forth a common sense proposal to create a regulatory  
121 environment that encourages innovation, spurs competition, and  
122 fosters consumer choice.

123 SERRO offers a pathway for regulatory relief for small  
124 entities by directing the FCC to streamline their existing wavier  
125 process. This will benefit small business and their customers  
126 by providing greater certainty, fewer costs and administrative  
127 efficiency.

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128           Since introducing H.R. 3787, Mr. Schrader and I have made  
129 countless efforts to consider all stakeholder feedback and input  
130 and today's discussion is a continuation of those efforts.

131           I look forward to hearing from our panelists and I thank the  
132 gentlelady, the chair of the subcommittee, for yielding.

133           Thank you.

134           Mrs. Blackburn. The gentleman yields back.

135           Mr. Doyle, you're recognized.

136           Mr. Doyle. Thank you, Madam Chair, for holding this hearing  
137 and thank you to the witnesses for appearing before us today.

138           Today we are considering four pieces of legislation. In  
139 particular, I am happy to see before us a bill by my good friend,  
140 Peter Welch, H.R. 2903, the Rural Reasonable and Comparable  
141 Wireless Act.

142           This bipartisan legislation seeks to establish national  
143 standards for mobile service, mobile data service, and broadband  
144 services in rural America that are comparable to those in urban  
145 America.

146           I know this is an issue that my friend and colleague is very  
147 passionate about, and as this bill points out, under the  
148 Communications Act, Congress tasked the FCC with ensuring that  
149 rural areas had similar access and availability of service as

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150 their urban counterparts.

151 But I don't have to tell anyone here that we have fallen short  
152 of that goal. Get on a highway that isn't the I-95 corridor and  
153 wireless service gets spotty fast.

154 Or move from Pittsburgh or D.C. to rural Tennessee and try  
155 to get fiber internet. We need to make sure that people in rural  
156 America can get the same kind of widespread high-speed access as  
157 we have in urban areas and along urban corridors.

158 I am proud the committee Democrats have proposed a plan with  
159 Ranking Member Pallone's LIFT America Act that seeks to close this  
160 gap with a \$40 billion investment in capital investments.

161 Congressman Lance and I have also introduced the AIRWAVES  
162 Act along with a number of our colleagues on both sides of the  
163 aisle that sets aside 10 percent of the revenue from the spectrum  
164 auctions set out in the bill for deployment of broadband  
165 infrastructure in unserved and under served communities in rural  
166 America.

167 Another bill we have under discussion today is Congresswoman  
168 Bernice Johnson's National Suicide Hotline Improvement Act, which  
169 would require the FCC to work in coordination with SAMHSA to  
170 explore the feasibility of a three-digit dialing code similar to  
171 911 or 311 for suicide prevention.

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172           This legislation passed by UC in the Senate, a seemingly rare  
173 feat these days, and I hope we can continue to move this important  
174 legislation forward.

175           We are also discussing a bill on unlicensed radio broadcasts  
176 today, and while I have heard anecdotes that there is a problem  
177 on the rise in major cities like New York and Miami, I am concerned  
178 that the proposed solution is to increase fines for these  
179 broadcasts tenfold.

180           Years ago, I worked with Congressman Lee Terry on the Low  
181 Power FM Radio legislation. We saw that there was an issue of  
182 illegal broadcasts but also that there were many -- there weren't  
183 many opportunities for communities around the country to express  
184 themselves on the air.

185           We sought to address this by increasing the opportunities  
186 available to these communities by opening a low power FM  
187 application window, which resulted in thousands of new stations  
188 across the country.

189           As we consider this legislation, I think we need to balance  
190 the legitimate concerns of broadcast licensees with the limited  
191 opportunities for expression available to some communities.

192           My hope is as we consider this bill we can take an approach  
193 that addresses both groups' needs.

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194           And the last bill we are considering today is Congressman's  
195 Latta's H.R. 3787, the Small Entity Regulatory Relief Opportunity  
196 Act.

197           I am very concerned about this bill. The way that it is  
198 drafted would open up a huge regulatory hole at the FCC and would  
199 enable companies with over a billion dollars in revenue to be  
200 exempted from a wide range of rules intended to protect consumers  
201 and, to be honest, small businesses as well.

202 I am very skeptical about the merits and need for this legislation.

203           With that, Madam Chair, I want to yield they balance of my  
204 time to my good friend and colleague, Mr. Welch.

205           Mr. Welch. Thank you very much.

206           You know, as we sit here today we all know that rural  
207 broadband infrastructure is insufficient and rural America is  
208 being left behind.

209           The FCC, in my view, is not meeting its  
210 congressionally-mandated goal, which is ensuring rural America  
211 has access to, quote, "reasonably comparable service to their  
212 urban areas."

213           We basically haven't had a definition of what reasonable  
214 comparable is, and my bill, with Mr. McKinley, is designed to get  
215 at this issue and make reasonably comparable real and meaningful

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216 in rural America, just like electricity was when we made that  
217 public policy commitment in the 1930s to wire rural America.

218 The FCC, under this bill, would have to gather data from the  
219 20 most populous metro areas and detail the average signal  
220 strength and speeds of mobile voice and mobile internet services.

221 It would also require the FCC to determine the extent to which  
222 mobile and fixed broadband service provided in rural areas is  
223 reasonably comparable.

224 That's what the bill would do. It is absolutely essential  
225 we do that in order to be able to say yes or no, that rural America  
226 has reasonably comparable services.

227 Thank you, Madam Chair, and thank you, Ranking Member Doyle.

228 Mrs. Blackburn. The gentleman yields back.

229 Mr. Doyle. I yield back.

230 Mrs. Blackburn. Chairman Walden is not here. Are there  
231 members seeking to claim the chairman's time for an opening?

232 No one seeking the time?

233 Mr. Pallone, you're recognized for five minutes for an  
234 opening statement.

235 Mr. Pallone. Thank you, Madam Chair.

236 Our hearing today will examine four bipartisan communication  
237 bills. Though communications is the thread that binds them all,

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238 they each touch on vastly different but important issues.

239 First, I am pleased we are considering the National Suicide  
240 Hotline Improvement Act of 2017, which aims to quickly connect  
241 individuals experiencing a mental health crisis with a  
242 professional.

243 Suicide is the tenth leading cause of death for people of  
244 all ages, and every year hundreds of thousands of people are  
245 injured in attempted suicides or other mental health emergencies,  
246 and this bill would require the Federal Communications Commission  
247 to study how to establish a nationwide three-digit number to  
248 access the National Suicide Prevention Lifeline.

249 With rates of suicide increasing each year, we must do all  
250 we can to get support services to those in need, and I'd like to  
251 thank one of our witnesses, Mr. Madigan, for all the important  
252 work you do at the American Foundation for Suicide Prevention and  
253 thanks also for being with us today.

254 We will also be discussing the Rural Reasonable and  
255 Comparable Wireless Access Act introduced by Congressman Welch  
256 and McKinley.

257 This bill would shine a light on the quality of voice and  
258 broadband services offered in rural areas. It would direct the  
259 FCC to examine whether people in rural communities actually

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260 receive the same level of service as those in urban areas, and  
261 the FCC has talked a lot over the past year about improving  
262 connections in rural areas.

263 This bill would require the FCC to collect and analyze the  
264 facts on the ground and make sure that it's actually getting the  
265 job done.

266 I am also glad we will be discussing the problems caused by  
267 pirate radio broadcasters -- people who broadcast illegally on  
268 our public airwaves. Pirate broadcasters flout the law and  
269 interfere with the licensed broadcasters who follow the law.

270 These pirate broadcasts can be frustrating for people but,  
271 more critically, they prevent people from hearing important  
272 communications and public safety information in times of  
273 emergency, and that's simply unacceptable and I look forward to  
274 hearing about ways that we can work to solve this problem.

275 And finally, we will discuss the Small Entity Regulatory  
276 Relief Opportunity Act. While I certainly appreciate the  
277 difficulties faced by small businesses across the country, I have  
278 concerns with the ways this bill would try to solve those problems.

279 The bill would allow the FCC to roll back or delay consumer  
280 protections for subscribers of telecommunications and cable  
281 companies that serve as many as 6.5 million customers.

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282           These supposedly small businesses could be larger than 35  
283 states, and many of the millions of customers of the providers  
284 have fewer or no choices.

285           But aside from size, given the current FCC's animosity for  
286 consumer protections, I don't think this is the right time for  
287 Congress to encourage the agency to strip away more safeguards  
288 for millions of people and we would be better off figuring out  
289 ways to better protect the American people.

290           So I look forward to discussion today and hearing from all  
291 the witnesses, and I'd like to yield my remaining two minutes to  
292 Mr. McNerney.

293           Mr. McNerney. Well, I thank the ranking member for yielding  
294 and I thank the committee for having this hearing today.

295           I am very glad that we were able to get the Improving  
296 Broadband Access for Veterans Act into the omnibus bill and I say  
297 this is an important piece of legislation that will set us on a  
298 path towards closing the digital divide for veterans. I'd like  
299 to thank my colleague, Mr. Kinzinger, for working with me on the  
300 bill.

301           One of the bills before us today would help further achieve  
302 the critical goal of closing the digital divide by setting targets  
303 for building out high-speed broadband in rural America -- very

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304 important in my district.

305 Another bill before us would help Americans including  
306 veterans when they are in crisis. I am glad these common sense  
307 proposals are before us today.

308 However, I have a concern about one of the bills, the Small  
309 Entity Regulatory Relief Opportunity Act. While I am very open  
310 to finding ways to streamline compliance for small businesses,  
311 I am troubled by the larger trend we are witnessing of protections  
312 across the board being eliminated.

313 I am very concerned that this bill will be another step  
314 backwards for consumer protection.

315 And with that, I'll yield back to the ranking member and to  
316 the committee.

317 Mrs. Blackburn. Gentleman yields back.

318 This concludes our member opening statements. Members are  
319 reminded that all opening statements are made a part of the record.

320 At this time, I want to welcome our witnesses and give them  
321 the opportunity for their opening statements, which will be  
322 followed by a round of questions.

323 We are welcoming Mr. Tim Donovan, vice president of  
324 Legislative Affairs at the Competitive Carriers Association; Mr.  
325 David Donovan, president and executive director of the New York

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326 State Broadcasters Association; Mr. Robert Gessner, president of  
327 MCTV; Mr. John Madigan, vice president and chief policy -- public  
328 policy officer of the American Foundation for Suicide  
329 Preventions; and Ms. Sarah Morris, director of Open Internet  
330 Policy at the Open Technology Institute at the New America  
331 Foundation.

332 We appreciate that you are each here today. We will begin  
333 today with you, Mr. Tim Donovan, and you are recognized for five  
334 minutes for your opening statement.



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STATEMENTS OF TIM DONOVAN, SENIOR VICE PRESIDENT, LEGISLATIVE AFFAIRS, COMPETITIVE CARRIERS ASSOCIATION; DAVID DONOVAN, PRESIDENT AND EXECUTIVE DIRECTOR, NEW YORK STATE BROADCASTERS ASSOCIATION, INC.; ROBERT GESSNER, PRESIDENT, MCTV; JOHN H. MADIGAN JR., VICE PRESIDENT AND CHIEF PUBLIC POLICY OFFICER, AMERICAN FOUNDATION FOR SUICIDE PREVENTION; SARAH MORRIS, DIRECTOR OF OPEN INTERNET POLICY, OPEN TECHNOLOGY INSTITUTE, NEW AMERICA FOUNDATION

STATEMENT OF MR. TIM DONOVAN

Mr. Tim Donovan. Thank you.

Chairman Blackburn, Ranking Member Doyle, and members of the subcommittee, thank you for inviting me to testify on meeting Congress' mandate for universal service and policies that will help close the digital divide for mobile connectivity between urban and rural areas.

I am here on behalf of CCA, representing nearly 100 wireless carriers as well as the companies that make up the wireless ecosystem.

All CCA members have an interest in closing the digital divide and the vast majority of CCA members employ the same consumers that live and work in their communities.

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357 I thank the subcommittee for steadfast efforts to preserve  
358 and expand mobile broadband nationwide. We support several  
359 committee initiatives included in the Consolidated  
360 Appropriations Act and thank the leadership, members, and staff  
361 for their hard work and long hours to make that happen.

362 Today, I will focus primarily on H.R. 2903, the Rural  
363 Reasonable and Comparable Wireless Access Act of 2017.

364 While the title is a mouthful, the underlying issue is  
365 critically important -- making sure that rural America has the  
366 same opportunities as urban areas, from economic growth and jobs  
367 to public safety, health, and education because of access to  
368 robust mobile broadband services.

369 CCA thanks Representatives McKinley, Welch, and their nine  
370 bipartisan co-sponsors for focusing on this important issue.

371 Universal service is not only a good policy objective, it  
372 is the law. Congress was clear in its mandate to the FCC to ensure  
373 that all consumers have access to reasonably comparable services  
374 as those provided in urban areas.

375 H.R. 2903 will provide important transparency into whether  
376 the FCC is meeting the universal service mandate or if work remains  
377 by having the FCC promulgate regulations to determine whether  
378 services available in rural areas are reasonably comparable to

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379 those in urban areas.

380 This committee has been hard at work on addressing issues  
381 necessary to expand broadband and pave the way to 5G. CCA  
382 supports those efforts.

383 While 5G promises to support services that were once  
384 considered science fiction, we cannot neglect Americans living  
385 in areas that lack service.

386 We need not look far to see how H.R. 2903 will immediately  
387 support the FCC in its USF mission. The FCC recently released  
388 a map depicting areas initially deemed eligible for mobility fund  
389 phase two support.

390 Because the technical parameters selected by the FCC were  
391 not sufficient to produce a map that reflects the experience you  
392 have as you travel your districts, significant portions of your  
393 states may not be eligible for funding through the mobility fund.

394 It is now clear that standardizing data as directed in the  
395 House-passed Rural Wireless Access Act as part of RAY BAUM'S Act  
396 is not enough to produce an accurate map if the standard is not  
397 sufficiently calibrated to meet the goal of the program.

398 Final maps for eligible areas must reflect the statute's call  
399 for reasonably comparable services. Further, without a set  
400 standard, it is not clear that resources allocated by the FCC are

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20

401 sufficient.

402 Without a goal, it is not possible to set a budget. H.R.  
403 2903 will help guide funding levels necessary to achieve universal  
404 service.

405 Other important policy decisions also rest on comparable  
406 service including access to spectrum and streamlined deployment  
407 of infrastructure.

408 Any evidence that rural Americans do not enjoy comparable  
409 services as their urban peers should reinvigorate the need for  
410 policymakers to take steps to support deployment.

411 For example, spectrum is a finite resource and all carriers  
412 must have access to low-, mid-, and high-band spectrum to deploy  
413 next-generation mobile broadband, whether in urban or rural  
414 areas.

415 It is necessary to make additional spectrum available for  
416 all carriers to provide rural areas with the latest services and  
417 Congress should first complete the 600 megahertz repack as safely,  
418 swiftly, and efficiently as possible to allow winning bidders to  
419 put the spectrum to use to serve consumers, and second, auction  
420 all available millimeter wave bands as soon as possible.

421 I thank Representatives Lance, Doyle, and a dozen bipartisan  
422 co-sponsors for their leadership on setting time lines to auction

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423 this spectrum in the AIRWAVES Act and creating a fund from auction  
424 proceeds to support deployment in rural areas. This makes the  
425 bill a win-win for rural America.

426 Carriers cannot provide comparable services without  
427 comparable infrastructure and any challenges with cost delays or  
428 permitting are magnified in areas with sparse populations.

429 The goals of H.R. 2903 again demonstrate how important  
430 efforts from the FCC and Congress are to support deployment.  
431 Separately, CCA appreciates H.R. 3787 sponsored by  
432 Representatives Latta and Schrader, also under consideration  
433 today.

434 Smaller carriers already must overcome challenges larger  
435 carriers take for granted and any appropriate regulatory relief  
436 Congress can provide will allow them to marshal resources to  
437 better serve their customers.

438 With Congress, the FCC, and the administration all focused  
439 on closing the digital divide, the time to act is now, and H.R.  
440 2903 provides a yardstick to measure where efforts remain  
441 necessary to make sure that rural America is not left behind.

442 CCA looks forward with you to making the promise of  
443 reasonably comparable services a reality as access to mobile  
444 broadband becomes even more essential for modern life.

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22

445           Thank you again for holding today's hearing and I welcome  
446 any questions. [The prepared statement of Mr. Tim Donovan follows:

447

448 \*\*\*\*\*INSERT 1\*\*\*\*\*

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449

Mrs. Blackburn. I thank the gentleman.

450

Mr. Donovan, you're recognized for five minutes.

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451 STATEMENT OF MR. DAVID DONOVAN

452

453 Mr. David Donovan. On behalf of the New York State  
454 Broadcasters Association and along with the National Association  
455 of Broadcasters, I am honored to support the PIRATE Act.

456 Let me start by thanking Congressman Leonard Lance and  
457 Congressman Paul Tonko for their leadership in drafting this  
458 legislation. I also want to thank Congressman Chris Collins,  
459 who's been a leader on this issue for several years.

460 But before I begin, I also want to thank the committee for  
461 their work in helping to secure repacking funding, which is in  
462 today's omnibus, and I truly want to thank you for all your work  
463 in that, and also Congressman Pallone for his work in the SANDY  
464 Act.

465 FCC Chairman Pai and Commissioner Mike O'Rielly have made  
466 pirate enforcement a priority and I want to recognize Rosemary  
467 Harold, who works in the enforcement bureau, and her team for her  
468 efforts.

469 They were on the front lines and their work is essential.  
470 But despite these efforts, it's become clear that the FCC needs  
471 additional tools to combat this problem and the PIRATE Act  
472 provides those tools.

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473           There are hundreds of illegal stations transmitting from  
474 balconies and rooftops of residential and commercial buildings  
475 across New York City and northern New Jersey. There are more  
476 illegal stations in the New York metropolitan area than there are  
477 legally licensed stations, and the problem is growing. It is  
478 spreading to Boston, it is spreading to Connecticut, and it is  
479 spreading throughout the United States.

480           Pirate disrupt the emergency alert system. Their  
481 interference prevents listeners from hearing life-saving  
482 information broadcast by legal stations.

483           Pirates do not participate in the EAS system. So consumers  
484 listening to these stations will not hear EAS messages.

485           But more importantly, they undermine the basic fabric of the  
486 entire EAS system, which is premised on one station monitoring  
487 another station, and so on down the line, similar to a row of  
488 dominoes.

489           Pirate interference breaks this chain, which means stations  
490 who are relying on the EAS messages and consumers listening to  
491 those EAS messages will not hear them.

492           Moreover, in the event of an emergency, whether it's local  
493 news or public affairs, that lifesaving information consumers  
494 won't hear because of pirate interference.

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495 Pirates threaten public health. Their transmitters operate  
496 and they threaten the health of unsuspecting citizens to RF  
497 frequency radiation.

498 Let me provide you just with a few examples from our  
499 engineering analysis in 2016. You have slides before you and  
500 they're also appearing on the -- on the board.

501 What you see before you are pictures of illegal pirate radio  
502 stations operating in New Jersey and in New York. But the  
503 critical issue here, why I want you to see these stations, is  
504 because none of these stations comply with FCC and government RF  
505 radiation standards.

506 They're broadcasting at power levels between 10 and 3,000  
507 watts, and if you look at the slides, included in there is how  
508 close you should be to these pirate antennas. And as a result,  
509 there are folks who are receiving above government standard levels  
510 of RF radiation that can range from 20 to 80 feet.

511 Now, on the last slide I will also notice it's right next  
512 to the East Orange, New Jersey police station, which we found  
513 ironic.

514 But the bottom line is is that if you live in the top floors  
515 of these buildings or if you use a rooftop deck, you are being  
516 exposed to levels that are above government standards, and this

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517 is occurring in communities throughout New York, throughout New  
518 Jersey.

519 They're occurring in -- we have pirates in Albany. You're  
520 seeing them in Connecticut. You're seeing them in Boston.

521 This requires, we believe, action. But pirates also  
522 interfere with airport communications on frequencies assigned to  
523 the FAA, creating an extremely dangerous situation. They ignore  
524 all consumer protections laws, whether it's sponsorship ID laws,  
525 indecency, public file requirements, alcohol and tobacco  
526 advertising laws.

527 They have absolutely flouted all FCC political rules and  
528 regulations. Whether it's access to candidates, equal time, all  
529 the rules that have been set down by the Federal Communications  
530 Commission are flatly ignored.

531 The PIRATE Act solves this problem. It gives the FCC  
532 additional tools. It significantly increases the fines for  
533 operating an illegal station. It clarifies existing law with  
534 regarding to liability for those who facilitate pirates.

535 It also provides working with state laws and recognizes those  
536 state laws and it streamlines the FCC's enforcement process.

537 In conclusion, in 2015, 33 members of Congress asked the FCC  
538 to increase its pirate radio enforcement. The FCC, under

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539 Commissioner Pai -- under Chairman Pai have done that. But they  
540 need more tools.

541 The fundamental purpose of the FCC is to manage the spectrum  
542 and avoid interference.

543 I thank you and look forward to your questions.

544 [The prepared statement of Mr. David Donovan follows:]

545 \*\*\*\*\*INSERT 2\*\*\*\*\*

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546

Mrs. Blackburn. The gentleman yields back.

547

Mr. Gessner, five minutes.

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548 STATEMENT OF MR. GESSNER

549

550 Mr. Gessner. Good morning.

551 Chairman Blackburn, Ranking Member Doyle, members of the  
552 subcommittee, my name is Robert Gessner.

553 I am president of Massillon Cable TV, a small family-owned  
554 broadband and cable company serving 50,000 customers in five Ohio  
555 counties. Mostly, really nervous, as this is my first time  
556 testifying in any sort of venue.

557 I also currently serve as chairman of the American Cable  
558 Association, which represents more than 700 small and mid-size  
559 companies, a mixture of municipalities, telephone companies,  
560 electric companies, rural co-ops, as well as cable TV operators.

561 The majority of ACA members have fewer than 1,000 customers,  
562 fewer than 10 employees, and almost none have an attorney on staff.

563 Despite our small size, we make large investments in our  
564 networks to provide critical connectivity to the communities we  
565 serve -- typically, rural communities.

566 And I thank you for inviting me to testify about H.R. 3787,  
567 the Small Entity Regulatory Relief Opportunity Act, or SERRO.

568 SERRO is a narrowly tailored bipartisan bill whose purpose  
569 is to streamline the process by which deserving small

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570 communications entities may request -- and I stress that word  
571 request, regulatory relief.

572 Many regulations at the FCC are one-size-fits-all. Because  
573 of our limited size, small entities often are not the source of  
574 the specific harms that the FCC is targeting. Now, in theory,  
575 the FCC waiver process gives small entities an opportunity to show  
576 good cause for an exemption or a delay in the application of a  
577 one-size-fits-all rule.

578 But, in practice, deserving small entities often are  
579 deterred from seeking relief because of the administrative costs  
580 and the uncertainty of the waiver process.

581 To give you just one example, in 2010, my company, which had  
582 recently converted to an all-digital platform, went to  
583 considerable expense to petition the FCC for a waiver of certain  
584 analog-based technical performance testing requirements.

585 It was not until last September, more than seven years after  
586 we filed our waiver request, that the FCC finally addressed our  
587 concerns.

588 Now, the goal of SERRO is to ensure that the FCC is more  
589 attentive to small entities' well-founded need for exceptions to  
590 or relief from one-size-fits-all rules and it accomplishes that  
591 in three provisions.

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592 First, SERRO directs the FCC to adopt streamlined provisions  
593 to reduce the administrative burdens faced by small entities that  
594 file waiver petitions and to expedite the resolution of those  
595 petitions.

596 Second, SERRO clarifies that Congress intends for the FCC,  
597 as part of its mandated triennial review process to consider the  
598 impact of its rules on any and all small entities within its  
599 jurisdiction.

600 SERRO further instructs the FCC to modify or repeal the  
601 application of particular regulations to small entities where the  
602 commission determines there is good cause to do so.

603 And third, SERRO establishes an automatic referral period  
604 of at least one year in the application of most new regulations  
605 to small entities, subject to exceptions for rules that address  
606 public safety concerns or that reduce waste, fraud, and abuse.

607 If SERRO had been in place in 2010, my company would not have  
608 been subjected to seven years of regulatory uncertainty, waiting  
609 for the FCC to act on our petition. In fact, we might not have  
610 needed to go to the expense of filing the petition in the first  
611 place.

612 I want to stress that SERRO is focused only on the procedures  
613 by which small entities can request regulatory relief. That's

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33

614 the O in SERRO -- an opportunity. Nothing in the bill would change  
615 the substantive legal standard for obtaining that relief.

616 And I also want to emphasize that while I am here representing  
617 the American Cable Association, SERRO is not a cable-only bill.  
618 SERRO will apply to and has the support of small entities in every  
619 sector of the communications industry, as evidenced by this letter  
620 that was sent to Chairman Walden.

621 Now, in conclusion, I do want to express my thanks to  
622 Representatives Latta and the absent Mr. Schrader to move SERRO  
623 forward.

624 As Representative Latta stated in this introduction, while  
625 small businesses are the engines of the economy, generating two  
626 out of three new jobs, they also are the most susceptible to  
627 burdensome regulations that harm their ability to grown, expand,  
628 and hire new employees.

629 ACA looks forward to working with you on this sensible and  
630 important piece of bipartisan procedural regulatory relief  
631 legislation and be happy to answer any questions.

632 Thank you.

633 [The prepared statement of Mr. Gessner follows:]

634

635 \*\*\*\*\*INSERT 3\*\*\*\*\*

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636

Mrs. Blackburn. The gentleman yields back.

637

Mr. Madigan, five minutes.

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638 STATEMENT OF MR. MADIGAN

639

640 Mr. Madigan. Madam Chairman and Ranking Member Doyle, thank  
641 you very much for inviting the American Foundation for Suicide  
642 Prevention to testify this morning.

643 My name is John Madigan. I have the honor and privilege of  
644 being the association's chief public policy officer. We are a  
645 nonprofit health agency about 30 years old and we are organized  
646 in all 50 states, and I believe my team has provided all members  
647 of the subcommittee with fact sheets that illustrate the suicide  
648 issue in your particular state.

649 I am also here to testify about H.R. 2345, the National  
650 Suicide Prevention Hotline Improvement Act of 2017. We want to  
651 thank, obviously, Representative Chris Stewart from Utah and  
652 Representative Eddie Bernice Johnson from Texas for her  
653 leadership on this important issue, and the other co-sponsors in  
654 the House, which is somewhere around seven co-sponsors.

655 Let me speak frankly. Suicide is now the tenth leading cause  
656 of death in our country for adults age 18 to 64. For every one  
657 suicide, there are 25 suicide attempts.

658 The annual age-adjusted suicide rate is 13.42 per 100,000  
659 individuals. After adjusting for differences in age and sex,

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660 risk for suicide is 19 percent higher for male veterans than for  
661 U.S. non-veteran male adults.

662 Risk is 2.5 times higher among female veterans when compared  
663 to U.S. non-veteran women. Men die by suicide three and a half  
664 times more than women and white males account for seven out of  
665 10 deaths in 2016.

666 Suicide is often the result of unrecognized and untreated  
667 mental illness. Get this. One in four Americans have a  
668 diagnosable mental illness but only one in five are seeking  
669 professional help for this condition.

670 Suicide tends to be the highest when multiple risk factors  
671 or precipitating events occur in an individual with mental  
672 illness.

673 Despite public perception, most people with mental illness  
674 do not die by suicide. Mental illnesses such as depression,  
675 bipolar disorder, alcohol and drug dependence, post-traumatic  
676 stress, and traumatic brain injury may create the underlying risk  
677 that, when combined with life stressors such as transition from  
678 military life, job loss, relationship, financial, or legal  
679 problems increase risk.

680 There's good news. There's a grass roots movement that's  
681 now being formed, like it has for many other disease groups.

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682           Our movement is being catalyzed by both survivors of suicide  
683 loss -- I lost my younger sister, Nancy, 21 years ago when she  
684 was 37 -- and also the emerging voices of those that have what  
685 we call the lived experience -- those people who have survived  
686 their own suicide attempts.

687           So as I said earlier, I am here today to talk about why H.R.  
688 2345 could be a game changer for our national public safety net.  
689 It was discussed by Chairman Pallone. Essentially, the FCC is  
690 going to look into the possibility of converting the  
691 1-800-273-TALK number into an easy-to-remember three-digit  
692 number like 911.

693           It will require SAMHSA to study the effectiveness of the  
694 current system and also to assess how veterans are being helped  
695 in this system.

696           Finally, the study will provide cost estimates and resource  
697 needs for increasing federal support for phone hotline, chat, and  
698 text.

699           To hear some important facts, a national easy-to-remember  
700 single point of access free, anonymous, and toll-free for all  
701 American residents is necessary to provide a health safety net  
702 for all persons in the United States.

703           The experience of SAMHSA's national suicide prevention

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704 lifeline indicates that a national hotline number has been  
705 essential in addressing this public health crisis.

706 In -- since 2005, the lifeline has served more than 11 million  
707 callers. In 2017, the national network answered 2 million calls.  
708 According to independent evaluators of the service, 75 percent  
709 are non-suicidal and 25 percent are suicidal.

710 So the bottom line, in closing, is that this legislation is  
711 critically important. When my 25-year-old daughter texted me  
712 this morning and asked me, "Daddy, why are you testifying before  
713 the Communications and Technology Subcommittee," I said,  
714 "Preventing suicide is all about communication and in the 21st  
715 century it's all about technology."

716 So I will be glad to answer any questions you have.

717 [The prepared statement of Mr. Madigan follows:]

718

719 \*\*\*\*\*INSERT 4\*\*\*\*\*

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720

Mrs. Blackburn. We thank the gentleman.

721

Ms. Morris, you're recognized for five minutes.

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722 STATEMENT OF MS. MORRIS

723

724 Ms. Morris. Thank you, Chairman Blackburn, Ranking Member  
725 Doyle, and subcommittee members for the opportunity to testify  
726 today at this legislative hearing on four communications bills.

727 My name is Sarah Morris and I represent New America's Open  
728 Technology Institute, or OTI, where I am the director of open  
729 internet policy.

730 New America is a nonpartisan nonprofit civic enterprise  
731 dedicated to the renewal of American politics, prosperity, and  
732 purpose in the digital age.

733 OTI is a program within New America that works at the  
734 intersection of technology and policy so ensure that every  
735 community has equitable access to digital technology and its  
736 benefits.

737 OTI promotes universal access to communications  
738 technologies that are both open and secure, using a  
739 multi-disciplinary approach that brings together advocates,  
740 researchers, organizers, and innovators.

741 Our primary focus areas include net neutrality, broadband  
742 access and adoption, surveillance and security, and consumer  
743 privacy.

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41

744           My testimony will focus on concerns related to one of the  
745 four bills under consideration today -- H.R. 3787, or the Small  
746 Entity Regulatory Relief Act, which I will refer to as SERRO.

747           OTI's concerns are fourfold. First, it is not clear that  
748 an immediate problems exists that this bill would effectively  
749 solve.

750           Indeed, against the backdrop of the current heavily  
751 deregulated landscape, the proposed bill seems particularly  
752 unnecessary.

753           Second, to the extent that a need for waivers from or  
754 exemptions to certain regulations exist, numerous processes for  
755 securing them also already exist at the Federal Communications  
756 Commission.

757           Third, the definition of small entities in the bill is  
758 unclear. Finally, the proposed triennial review process reforms  
759 would create a high degree of confusion and uncertainty at the  
760 commission.

761           I've submitted a detailed written testimony to the  
762 subcommittee already and I will use my time here to briefly explain  
763 each of those four concerns.

764           Regulations of general applicability are the standard in  
765 federal regulatory policy making, and for a good reason. The

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766 point of consumer protection laws, from telecommunications to  
767 food service to health care, is to protect all consumers from  
768 harmful practices, not just consumers of the biggest entities.

769 All consumers are entitled to the protections of federal  
770 telecommunications laws. There may be instances where waivers  
771 from certain regulations under the Communication Act are  
772 appropriate. As I will discuss shortly, there are mechanisms for  
773 addressing the need for specific waivers.

774 However, neither Mr. Gessner nor the bill's co-sponsors have  
775 demonstrated widespread and significant harms that would be most  
776 effectively remedied by the reforms proposed in SERRO.

777 It is unclear why the triple play proposed in the bill, an  
778 expedited waiver application process, a near blanket exemption  
779 from all future regulations for a period of one year and an  
780 expanded triennial review of the applicability of all regulations  
781 to small entities as necessary.

782 Indeed, the commission already provides numerous avenues of  
783 recourse for a small business that believes an existing or  
784 proposed regulation is unduly burdensome.

785 The most obvious and fundamental opportunity to discuss  
786 burdens on small businesses is to engage with the commission  
787 during the notice and comment periods that are required each time

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788 new rules are created.

789 In those proceedings, the commission has opportunities to  
790 hear from multiple perspectives on the parties' assertion of  
791 burdens and can appropriately weigh those burdens with the need  
792 for the regulations in question.

793 In addition, as the bill itself acknowledges, the  
794 commission's rules already allow the commission to waive specific  
795 requirements of the rules on its own motion or upon request.

796 The best approach for ensuring certainty and reducing  
797 administrative burdens is to use existing processes to identify  
798 the need for a narrow waivers when a need for such a waiver is  
799 clearly demonstrated.

800 This bill, however, uses an arbitrary definition of small  
801 entity that creates considerable confusion and shifts the burden  
802 of the defending the applicability of a given regulation onto  
803 consumer groups and other parties every single time a regulation  
804 is considered.

805 Not only is this a significant administrative cost to bear  
806 on its face, the problem is compounded by the fact that the 2  
807 percent market share threshold will need to be defined every  
808 single time a regulation is considered.

809 As we have seen in anti-trust analysis, this type of market

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810 share definition is entirely dependent on how a given market is  
811 defined. As telecom industries become more integrated and  
812 services evolve, defining relevant market could become even more  
813 difficult.

814 Finally, the modifications to the 257 triennial review  
815 requirement proposed in this bill could create significant  
816 administrative burdens for consumer groups and other parties.

817 As written, the amendments to 257 would allow the commission  
818 to, once the bill is enacted, re-litigate every single regulation  
819 currently on the books at the commission.

820 This reevaluation would require multiple proceedings to be  
821 reopened and create enormous bureaucratic strain throughout the  
822 communications part as well as uncertainty for consumers.

823 Each of the three proposals in SERRO raise concerns. Taken  
824 together, however, they represent a fundamental shift in burdens  
825 and advocacy before the Federal Communications Commission.

826 I urge the subcommittee to reject H.R. 3787.

827 [The prepared statement of Ms. Morris follows:]

828

829 \*\*\*\*\*INSERT 5\*\*\*\*\*

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830 Mrs. Blackburn. The gentlelady concludes her statement.

831 At this time, that concludes all of our opening statements.

832 We are going to move to questions. I do want everyone to be  
833 mindful -- it looks like 12:15 to 12:30 will be the next vote  
834 series, and I want to move through as many of these questions as  
835 we can.

836 So, Mr. Shimkus, I will begin with you. You're recognized  
837 for five minutes for questions.

838 Mr. Shimkus. Madam Chair, thank you. You're very kind.

839 Let me -- let me go to Tim, and I want to ask Mr. Gessner  
840 this question, because I've just been wrestling with it.

841 So we want competition. We want deployment. You're in the  
842 rural areas -- very difficult. You're trying to get 5G in.

843 I keep hearing from my local municipalities the concern that  
844 their input as to siting for 5G -- they're not going to -- you  
845 know, they'll weave a story. We've got this great park. We don't  
846 want a refrigerator-sized 5G sitting in there.

847 So talk me through this on competition 5G and how do we make  
848 sure that the concerns of local communities are still, at least,  
849 listened to?

850 Because a lot of this is these regulatory burdens get it  
851 moved, right?

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852           Mr. Tim Donovan. Thank you, Congressman, and you're  
853 probably also hearing from them about how they want to be one of  
854 the first smart cities and want to make sure that all of your  
855 constituents are able to connect to the latest services. So you  
856 do need to have the infrastructure to provide that.

857           We are working together with ways to look at it not as a zero  
858 sum gain but how can we make the application process both easier  
859 for carriers for deploying this as well as reduce the resources  
860 needed by municipalities to review.

861           If there's some low-hanging fruit of places that make sense  
862 to streamline the review then that also means one less application  
863 -- a couple less hours that somebody who works for the municipality  
864 has to spend reviewing that application.

865           Mr. Shimkus. So, Mr. Gessner, obviously, from the rural  
866 cable perspective, there also could be, you know, debates. You  
867 have already done negotiations with local communities on  
868 right-of-ways and wires.

869           And talk to me about the competitive pressure or what would  
870 be the response as there is a great desire to also move 5G in the  
871 areas and the local communities have been able to -- the old  
872 historic models -- what, the historic model is the cable company  
873 comes in, they negotiate, there's fees, they work with the local

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874 communities.

875 5G could disrupt the way this paradigm has been established.  
876 But a lot of us want the competition.

877 So can you talk through that, from your perspective?

878 Mr. Gessner. Good question. We haven't had a great deal  
879 of interaction between the 5G proponents and traditional cable  
880 companies, at least not in our size markets.

881 We look forward, actually, to working with the 5G operators  
882 because we know they're going to need a lot of back haul. When  
883 you have got a 5G transmitter every few hundred feet, it has to  
884 connect to something.

885 So companies like mine are certainly prepared to work with  
886 them through our high-capacity fiber networks to bring all of that  
887 5G data back without having to have more repeater towers and that  
888 sort of thing.

889 Mr. Shimkus. Great. And I was going to spend time asking  
890 you to talk about some of the other challenges and problems you  
891 have.

892 But in lieu of the time, Madam Chair and everybody else wants  
893 to ask questions. I yield back.

894 Mrs. Blackburn. The gentleman yields back.

895 Mr. Doyle, five minutes.

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896 Mr. Doyle. Thank you, Madam Chair.

897 Under the Regulatory Flexibility Act, Congress created an  
898 independent office of advocacy within the Small Business  
899 Administration, and the job of that office is to go out and  
900 advocate before Congress, the White House, and federal agencies  
901 on behalf of small businesses in America.

902 The Office of Advocacy has come on against regulation that  
903 harms small businesses like the FCC's order to deregulate business  
904 data services.

905 Much like the FCC's rollback of business data protections,  
906 I am worried that this small entity bill would actually hurt small  
907 businesses.

908 I want to ask you, Ms. Morris, do you believe that H.R. 3787  
909 could unfairly disadvantage some small businesses over others?

910 Ms. Morris. Sure. I thank you, Ranking Member, for the  
911 question.

912 And I certainly think that there is a high risk of harm to  
913 all types of entities, whether it's consumers, other small -- and  
914 consumers can include small businesses that are purchasing  
915 broadband from an entity that would be covered by this act.

916 In the case of the net neutrality protections where a waiver  
917 was granted for certain parts of the rules, a more automatic and

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918 sweeping waiver in that case would have resulted in many small  
919 businesses that rely on an open internet access to be harmed by  
920 the lack of that access in certain instances.

921 We want all consumers to have access to the protections  
922 afforded by the commission, not just those of the largest  
923 entities.

924 Mr. Doyle. So let me ask you, under this bill, the threshold  
925 for expedited small business relief is set at 2 percent or fewer  
926 of the consumers receiving such subscription service in the United  
927 States. It seems like a vague standard but also a rather overly  
928 inclusive one as well.

929 In the video market, for example, 2 percent of the market  
930 would be over 1.6 million customers, and when you look at a couple  
931 of companies that fall into that range, they have annual revenues  
932 of over \$1.5 billion.

933 That doesn't seem like a small business to me. Does that  
934 seem small to you? And what effect would exempting these  
935 companies from the FCC's rules have on consumers?

936 Ms. Morris. We certainly agree that the definition is both  
937 unclear and potentially much too large and as you point out,  
938 Ranking Member Doyle, this -- implementation of this bill has the  
939 potential to remove protections for millions of Americans across

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940 the country -- protections that the FCC would have otherwise be  
941 deemed necessary in a thorough rulemaking process.

942 Mr. Doyle. Yes. I think more to the point, the FCC  
943 interacts with a wide range of small businesses from radio and  
944 TV stations, voice video, data providers, device manufacturers,  
945 wireless licensees, and many of the FCC's rules that these  
946 businesses comply with are not only tailored to the size of those  
947 businesses but also to ensuring that these entities uphold their  
948 obligations under the Communications Acts.

949 So what effect would granting these wide-ranging waivers  
950 have on industry sectors under the FCC's jurisdiction?

951 Ms. Morris. We think it would create a significant  
952 uncertainty as we try to figure out which application -- which  
953 regulations apply to which entities -- which ones apply to other  
954 -- or don't apply to other entities.

955 And meanwhile, I will just repeat that consumers in those  
956 industries will be harmed in the process when those protections  
957 don't apply to their providers.

958 Mr. Doyle. Thank you.

959 Madam Chair, in the interest of time, I yield back.

960 Mrs. Blackburn. The gentleman yields back.

961 Mr. Lance, five minutes.

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962 Mr. Lance. Thank you, Madam Chair.

963 To the distinguished panel, thank you all for being here.

964 Mr. Donovan, can you comment on some of the limitations of  
965 the FCC's current enforcement tools against pirate radios? Have  
966 you seen issues with the commission's ability to shut down pirates  
967 in your role as president of New York Broadcasters?

968 Mr. David Donovan. Thank you, Congressman Lance.

969 Yes. I think that there is some limitations and those  
970 limitations now are based on the statute. Let me give you some  
971 examples.

972 Under the Communications Act, the fine, for example, for an  
973 entity not licensed by the FCC is, roughly, \$10,000. Pirate radio  
974 operators -- this is big business, and a \$10,000 fine is absolutely  
975 nothing. When you actually look at someone who's been violating  
976 the law literally for decades, this is just a cost of doing  
977 business.

978 The second piece is is that in order to get a seizure order  
979 or an order to enforce the fine, the FCC is required to go through  
980 the -- through the U.S. attorney's office. They are busy on  
981 things like terrorism, drug interdiction, and this becomes the  
982 fourth level issue.

983 What I think -- and I worked at the commission for 10 years

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984 -- I think what we really need to do is to give the FCC the authority  
985 to go to court to defend its own orders and also to get seizure  
986 orders as well.

987 The FCC currently has the authority to go to the U.S. Court  
988 of Appeals to defend its orders at the appellate level. It seemed  
989 it would make sense to get rid of the number one issue, which is  
990 would love to help you but the U.S. Attorneys Office just isn't  
991 interested.

992 Mr. Lance. Thank you. I am working on this issue, as you  
993 know, and the PIRATE Act and I want to continue to work with you  
994 and the other distinguished members of the panel, and I certainly  
995 agree with you.

996 And Madam Chair, I ask unanimous consent to submit the New  
997 York Broadcasters' report on pirate radio into the record.

998 Mrs. Blackburn. Without objection.

999 [The information follows:]

1000

1001 \*\*\*\*\*COMMITTEE INSERT 6\*\*\*\*\*

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1002 Mr. Lance. Thank you, and I yield back three minutes.

1003 Mrs. Blackburn. The gentleman yields back.

1004 Ms. Matsui, you are recognized.

1005 Ms. Matsui. Thank you very much, Madam Chairman.

1006 Since its creation in 2004, the Spectrum Relocation Fund has  
1007 become a critical tool for federal agencies relocating or sharing  
1008 spectrum for wireless broadband use.

1009 In 2015, Congress made improvements to the SRF that allowed  
1010 agencies to use funds in SRF to support engineering research that  
1011 could lead to the repurposing of spectrum for commercial use.

1012 The improvements have worked. Last month, NTIA and DOD  
1013 identified 100 megahertz of spectrum that could potentially be  
1014 repurposed.

1015 However, current law limits how much of existing SRF funds  
1016 can be used for this research and related activities. This has  
1017 created an unintended situation that could prevent agencies from  
1018 accessing existing SRF funds and potentially prevent more  
1019 spectrum entering the commercial marketplace.

1020 I am working on legislation called the Spectrum Now Act to  
1021 address this problem.

1022 Mr. Donovan -- Tim -- would you support this effort to ensure  
1023 that we are maximizing the amount of spectrum that could be

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1024 repurposed for wireless broadband use?

1025 Mr. Tim Donovan. Thank you, Congresswoman, and thank you  
1026 for your leadership on these efforts. I think you are -- it's  
1027 a proven case model that it works and working with spectrum  
1028 relocation fund to reallocate federal spectrum for commercial  
1029 use, your leadership on that issue led to the single highest  
1030 grossing spectrum auction ever in the AWS-3 auction.

1031 So this money is clearly well spent. We absolutely support  
1032 your efforts to continue that. You know, spectrum is something  
1033 that we are not making any more of it. So if we can be more  
1034 efficient then that research is money well spent.

1035 Ms. Matsui. Thank you.

1036 To successfully expand broadband access to the rural and  
1037 remote areas of this country, broadband maps must accurately  
1038 identify where service is and where it isn't.

1039 One of the most effective ways to get better maps is by  
1040 collecting better standardized coverage data. I understand that  
1041 a consensus proposal to get better mobile wireless coverage data  
1042 was put forward as part of the Mobility Fund II Challenge Process.

1043 Specifically, that proposal suggested modelling 4G LTE  
1044 coverage at download speeds of 5 megahertz per second at a 90  
1045 percent cell edge probability under cell loading factor of 50

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1046 percent.

1047 Mr. Donovan -- Tim again -- how can accurately modelling  
1048 mobile broadband data help expand coverage?

1049 Mr. Tim Donovan. Thank you, and this has been an important  
1050 issue going on, on making sure that we know where there is service  
1051 and where there isn't so that we can direct funding where it's  
1052 appropriate.

1053 One thing that is missing from that model that is included  
1054 in Congressman McKinley and Congressman Walters' bill is also  
1055 looking at signal strength.

1056 And while it gets technical quickly, it's important. We  
1057 measure signal strength in decibel milliwatt loss, but a  
1058 difference of only five leads to a difference of about a 100  
1059 percent geographic coverage.

1060 In rural areas a difference of 10 we've developed 300 percent  
1061 geographic coverage. When you look at that, you know, while there  
1062 was consensus to move forward before, the factors selected by the  
1063 FCC produced this map that we now know from looking at it that  
1064 it doesn't pass the test that you all know from your travels across  
1065 your states that it's not the experience that your consumers are  
1066 receiving.

1067 Ms. Matsui. Okay. Well, thank you very much, and I yield

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1068 back the remainder of my time.

1069 Mrs. Blackburn. The gentlelady yields back.

1070 Mr. Latta, you're recognized for five.

1071 Mr. Latta. Well, thank you, Madam Chair.

1072 And Mr. Gessner, when I travel around my district and meet  
1073 with a lot of my business owners, especially the smaller business  
1074 owners, they talk about the over regulations occurring,  
1075 especially on the federal side.

1076 And then also how that regulation affects your business and  
1077 also a lot of times as legislators and then the regulators they  
1078 don't really see the after effect of what happens.

1079 And I was wondering if you might be able to look, as a small  
1080 business owner and also in telecommunications, if you can thing  
1081 of some real-world examples where SERRO could have helped your  
1082 business and, consequently, your customers.

1083 Mr. Gessner. Thank you for the question.

1084 I offered a brief explanation of my situation in 2010 during  
1085 my testimony. I will expand on it a little bit.

1086 We converted from an analog cable system to an all digital  
1087 system in 2010. We thought that was the right thing to do. We  
1088 were well before everybody else and we went along with the  
1089 broadcasters at the same time.

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1090           Shortly thereafter, we realized that we could no longer  
1091 complete analog testing as required by the FCC because we had no  
1092 analog signals to test.

1093           So we requested a waiver from analog testing and it was  
1094 supposed to -- should have been very, very easy because there had  
1095 already been one operator who had received a waiver from analog  
1096 testing. So we thought just give me one of those.

1097           So we went to the expense. We went to the time. Produced  
1098 the affidavits and all that sort of thing, and there were several,  
1099 maybe a half dozen of us, who were doing the same thing at the  
1100 same time.

1101           Radio silence. We didn't hear anything for seven years, and  
1102 what finally happened was the FCC changed the rules and told all  
1103 of us that our petitions were moved.

1104           Now, if SERRO had been in effect then, we could have been  
1105 those seven years of regulatory uncertainty. If SERRO had been  
1106 in place then, the FCC would have been through at least two  
1107 triennial reviews and had recognized that analog testing by  
1108 digital systems was something that had to be addressed and they  
1109 could have addressed it and no waivers would have been -- no waiver  
1110 petitions would have been required in the first place.

1111           Mr. Latta. Well, thank you very much, Madam Chair.

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1112 And I will yield back the balance of my time.

1113 Mrs. Blackburn. The gentleman yields back.

1114 Ms. Eshoo, you're recognized.

1115 Ms. Eshoo. Thank you, Madam Chairwoman, and thank you to  
1116 each of the witnesses. It's good to see you, and I think that  
1117 you all did a good job in presenting what you want to present.

1118 To Ms. Morris, in your written testimony you noted that the  
1119 small entity bill, 3787, is vague in its definition of a small  
1120 entity.

1121 Now, some entities may have very few subscribers, in the  
1122 thousands. But the language also applies to companies with  
1123 millions of subscribers, and I wouldn't consider millions of  
1124 subscribers as small.

1125 If this were to become law, well, first of all, I think it's  
1126 an ambiguous definition, obviously, because millions is not  
1127 small.

1128 So if this were to become law, what's the outcome of this?  
1129 What would actually take place?

1130 Ms. Morris. Thank you, Congresswoman Eshoo. I appreciate  
1131 the question.

1132 And on this issue of the definition of small entities, I would  
1133 note that the bill may seem like it clearly and cleanly defines

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1134 what a small entity is.

1135 But there -- it creates worry that gamesmanship could be used  
1136 to sort of water down the definition and that that can be -- that  
1137 can change over time and be very costly and complicated to  
1138 determine on a recurring basis.

1139 And because, as you point out, that the range of potential  
1140 entities covered in the definition is so expansive, as I noted  
1141 earlier, we risk disenfranchising millions of consumers from the  
1142 important consumer protections that the commission determines  
1143 that they need once they're in --

1144 Ms. Eshoo. Because tied to this are what you just described,  
1145 correct?

1146 Ms. Morris. Yes. Essentially, what this bill would do  
1147 would be every time the commission makes a determination that a  
1148 regulation is needed at a general level, what would be otherwise  
1149 a regulation of general applicability that there would be  
1150 essentially an automatic waiver for a year's time for small  
1151 entities as defined, broadly, in the act.

1152 And so for that period of time those customers and consumers  
1153 would be -- would not have access to the protections afforded to  
1154 those who were customers of larger companies.

1155 Ms. Eshoo. I think that this is an area of this bill that

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1156 really needs to be tightened up because otherwise it can swing  
1157 one way or another.

1158 One way it could be determined that small is in the thousands  
1159 and waivers can be granted for those that have millions.

1160 It just doesn't -- it would have been better if they just  
1161 said waive everything because that seems to be the intent.

1162 In your testimony, you also said, quote, "the point of  
1163 consumer protection laws is to protect consumers from all harmful  
1164 practices, not just those from the biggest entities."

1165 Does it -- it seems to me that this is a Trojan Horse, because  
1166 it's going to hamstring the FCC's ability to do the job that's  
1167 been laid out relative to the protection of consumers.

1168 Again, small companies would not have to play by the rules  
1169 that everyone else has to play by in terms of the -- how it's  
1170 defined or not defined in the language of the bill.

1171 Can you describe if there's an alternative to burden? Is  
1172 there significant consumer risk there as well?

1173 Ms. Morris. I am sorry. If there's an alternative burden  
1174 -- if a new burden is placed on -- I think that, you know, there  
1175 is the sort of immediate risk of the what happens when the one-year  
1176 waiver is in place. I think that there is also a concern that  
1177 this will just overly complicate rulemaking processes at the FCC.

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1178           We are going to have to pre-litigate what counts as a small  
1179           entity in every proceeding. We'll probably have to litigate  
1180           after the fact as well, and meanwhile there will be less focus  
1181           on the -- making sure that we get the rules right so that they  
1182           don't create the types of situations that --

1183           Ms. Eshoo. Well, I think that there -- there is always a  
1184           legitimate case to be made for streamlining. But I think that  
1185           this is going to turn into a hairball. I really do. And I would  
1186           just suggest to the authors that they tighten up the language  
1187           because the definition is so wide a Peterbilt truck can drive  
1188           through it.

1189           Thank you.

1190           Mrs. Blackburn. All right. The lady yields back.

1191           And if everyone, I am told, can try to keep it three minutes  
1192           or less, we should be able to dismiss our panel before we go for  
1193           votes.

1194           Mr. Olson, you're recognized.

1195           Mr. Olson. I thank the chair.

1196           Welcome to our four witnesses -- five witnesses. My  
1197           comments and questions are for you, Mr. Madigan, on suicide and  
1198           H.R. 2345.

1199           Like you, suicide has hit me directly as a congressman and

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1200 even in my family.

1201 In 2014, a Marine veteran, Casey Owens, killed himself in  
1202 Colorado. He was 32 years old. I met Casey in 2007 in our  
1203 hometown of Sugarland, Texas.

1204 He had lost both legs, PTSD, TBI when a small Humvee hit a  
1205 tank mine the thing flew up 30 feet in the air. He found peace  
1206 in Colorado, skiing -- snow skiing. He was a competitive  
1207 monoskier. His goal was to ski for our country in the  
1208 para-olympics.

1209 But he never found true piece. He was on CBS News in 2012  
1210 and he responded this way, quote, "I really don't think I will  
1211 ever be free. I don't think the burden of war is ever gone," end  
1212 quote. And, sadly, it wasn't.

1213 And now my family. When I was in high school my mom got a  
1214 Master's in family therapy for kids. She met a little girl named  
1215 Sherri Silvas at the Harris County Youth Village.

1216 Sherri had been abused by her father. Her mom was worthless.  
1217 She was in the gangs, drugs, and she also had a natural chemical  
1218 imbalance. All those came together to make her regularly think  
1219 about committing suicide.

1220 Mom became very close to Sherri. In fact, she became a de  
1221 facto fourth child in my family. But she was a handful. She

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1222 disappeared for three months. My dad found her halfway across  
1223 the country. He brought her back.

1224 But two years after that, Sherri took her own life as well.  
1225 My mom, my dad, and my entire family are still haunted we couldn't  
1226 stop her from taking her own life.

1227 And in your testimony -- you're written testimony you said  
1228 that having a verbal counselor -- a line to call a person is so  
1229 effective that it actually reduces suicides and their feelings  
1230 of hopelessness.

1231 Would that have helped Sherri and how important is that  
1232 number to have, that 311 number?

1233 Mr. Madigan. Well, Congressman, first of all, I am sorry  
1234 for all of your experiences and I hope you find some closure and  
1235 peace.

1236 And I think the legislation that we are looking at today is  
1237 one piece of the puzzle in that the data that we have, 25 percent  
1238 of the callers are -- have some suicidal ideation.

1239 So they do get immediate help in terms of talking out what  
1240 is currently going on.

1241 Clearly, with veterans, there's a whole host of, as I  
1242 described in my oral statement but more detailed in my written  
1243 statement, the life stressors that then set off a preexisting

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1244 mental health condition.

1245           So that's the bottom line is that we, as a nation, need to  
1246 more quickly recognize someone's mental illness situation, much  
1247 like you would someone having a diabetic attack or having heart  
1248 disease, and then -- I love to talk about the face when you go  
1249 ask a five-year-old, you know, what's the biggest organ in the  
1250 body and they normally say the heart.

1251           And I say, well, wrong -- the biggest organ in the body is  
1252 the brain, and if your heart is broken you to the heart doctor  
1253 to get it fixed. If your brain is broken, you need to go to the  
1254 brain doctor.

1255           So it's part of that process and we believe a three-digit  
1256 number would make access for counseling more readily available.

1257           Mr. Olson. Yes, and hopefully DOD can use that three-digit  
1258 number because there has been a report by JO that says, hey, you  
1259 guys were overwhelmed by some calls -- people aren't getting the  
1260 therapy they need via phone call.

1261           So hopefully this helps them, gives them a chance to get to  
1262 guys like Casey.

1263           Mr. Madigan. Yes. The phone calls from this January to now  
1264 versus January last year have increased 60 percent. So the need  
1265 is clearly there, sir.

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1266 Mr. Olson. I am sorry for your loss as well.

1267 Madam Chairman, I yield back.

1268 Mrs. Blackburn. The gentleman yields back.

1269 Mr. McNerney, you're recognized.

1270 Mr. McNerney. I thank the chair.

1271 As I mentioned earlier in my opening statement, I am  
1272 concerned about the larger trend we are seeing with consumer  
1273 protections across the board being eliminated from my  
1274 constituents.

1275 Ms. Morris, what protections do consumers currently have  
1276 with respect to their online privacy and the information that is  
1277 shared with their broadband provider?

1278 Ms. Morris. None. None from the Federal Communications  
1279 Commission. They were repealed.

1280 Mr. McNerney. Okay. What protections do consumers have  
1281 with respect to their broadband provider keeping their data  
1282 secure?

1283 Ms. Morris. I do less data security work. But I would  
1284 imagine very little because the work I did was in the broadband  
1285 privacy?

1286 Mr. McNerney. Okay. Well, what about with respect to  
1287 consumers' access to information being -- online being throttled

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1288 or blocked? Will there soon be any protections left for consumers  
1289 from blocking and throttling?

1290 Ms. Morris. Once the 2017 order -- December order takes  
1291 effect, no.

1292 Mr. McNerney. Well, I am certainly open to finding ways to  
1293 streamlining regulatory compliance for small business but I am  
1294 worried that the SERRO bill would move us further in the direction  
1295 of eliminating safeguards for consumers, many of which have  
1296 already been eliminated.

1297 Ms. Morris, in your written testimony you stated that  
1298 triennial review process would create a high degree of confusion  
1299 and possibly legal uncertainty at the commission. Can you  
1300 explain how a high degree of confusion at the commission is likely  
1301 to impact consumers?

1302 Ms. Morris. Sure. And what I mean by that is that once the  
1303 bill would take effect there is this -- every three years the  
1304 triennial review but there's also the initial review when it seems  
1305 like it would be essentially open season on any regulations in  
1306 the FCC's currently on the books. There's no sort of limitation.  
1307 It would be a retroactive review as part of -- I can tell from  
1308 the text of their bill.

1309 So that would mean that what small protections remain for

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1310 consumers in this deregulatory environment at the commission  
1311 would be under scrutiny once again, presumably with new  
1312 proceedings open to reconsider all of those -- the application  
1313 of all those regulations, which could tie up the commission's  
1314 hands for months or years on end.

1315 Mr. McNerney. Thank you.

1316 Mr. Madigan, in written testimony your organization  
1317 submitted it was noted that veterans, in particular male veterans  
1318 are more often at risk of suicide.

1319 In my experience serving in the Veterans Affairs Committee  
1320 I found that veterans sometimes feel isolated when they return  
1321 home. Do you think that's one of the contributing factors?

1322 Mr. Madigan. Absolutely. Isolation, alcohol, access to  
1323 guns -- I mean, all those kinds of things are something that  
1324 contribute to veterans contemplating suicide.

1325 Mr. McNerney. Do you think that making sure veterans have  
1326 access to 21st century infrastructure like broadband could help  
1327 our veterans?

1328 Mr. Madigan. Well, as I said at the closing of my oral  
1329 statement, I think yeah, communication is the key. Talking about  
1330 mental health issues like any other health issue and if technology  
1331 can be increased and broadened I believe that's -- our

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1332 organization believes that's the way to go.

1333 Mr. McNerney. Good. And I thank the chair, and I will yield  
1334 back.

1335 Mrs. Blackburn. The gentleman yields back.

1336 Mr. Bilirakis, and I remind everyone if we can keep it to  
1337 three minutes then we'll probably be able to gavel out.

1338 Mr. Bilirakis, you're recognized.

1339 Mr. Bilirakis. Thank you, Madam Chair.

1340 Mr. Madigan, as vice chairman of the Veterans Affairs  
1341 Committee, the full committee, I know the veterans are a uniquely  
1342 situated population and their experiences and challenges.

1343 The last OIG report on the veterans crisis line identified  
1344 a number of problems, including a considerable volume of calls  
1345 going to voicemail, which is unacceptable.

1346 Since some time has passed since then, I agree with the intent  
1347 of H.R. 2345 to study how the needs of veterans are addressed by  
1348 the National Suicide Prevention Hotline -- the lifeline.

1349 In your testimony, you say that one in three callers to the  
1350 suicide hotline are veterans or members of the military families  
1351 because they suffer as well.

1352 Can you explain the unique challenges that these callers face  
1353 and in your position have you seen specific issues related to a

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1354 call responder's ability to address these needs through the  
1355 hotline?

1356 In other words, also if some of the responders -- are the  
1357 veterans? Can they identify with the veteran?

1358 Mr. Madigan. Yes, that's a great question.

1359 The -- when you call 180-273-TALK and press one you're  
1360 immediately handed over to a peer-to-peer counselling service  
1361 where veterans who have been through the same experiences that  
1362 most callers have been through are there.

1363 So I think it's an awesome program. The budget needs to be  
1364 increased. The number of counselors need to be increased and,  
1365 clearly, with the fact that, sir, that we lose anywhere from 18  
1366 to 22 veterans a day that we know of --

1367 Mr. Bilirakis. That we know of. Exactly. Yes.

1368 Mr. Madigan. That we know of -- that's a major problem. So  
1369 we are committed. Again, that's why we support this legislation,  
1370 to look at the whole picture, see what's working.

1371 But the bottom line, when Orrin Hatch called me last May to  
1372 talk about this bill, I said, Senator, it's a great idea, but if  
1373 you make it easier to call and there's no one there on the other  
1374 end to answer the call or they're not competent to answer the call  
1375 then that's a big problem.

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1376 Mr. Bilirakis. So a veteran can speak -- a combat veteran  
1377 can speak to a combat veteran. Is that correct?

1378 Mr. Madigan. Absolutely. Yes, sir.

1379 Mr. Bilirakis. Was in a similar situation?

1380 Mr. Madigan. More and more any of the veteran hotlines that  
1381 I am aware of employ peer-to-peer counsellors.

1382 Mr. Bilirakis. Okay. I would like to speak with you on  
1383 that.

1384 Mr. Madigan. Yes. I will also tell you about something.  
1385 Let's talk offline about the -- that's for warriors out of New  
1386 Jersey, which is Rutgers University sponsors it and it's upstream  
1387 counselling of veterans.

1388 So before someone gets to a bridge or puts a gun in their  
1389 mouth, it helps veterans when they might lose their home, they're  
1390 having personal problems or financial problems.

1391 Mr. Bilirakis. Okay. I am going stick with the three  
1392 minutes. But the three digit number is obviously more -- it's  
1393 easier to remember --

1394 Mr. Madigan. Yes.

1395 Mr. Bilirakis. -- as opposed to the 1-800 number.

1396 Mr. Madigan. It's 1-800-273-TALK but I imagine you're in  
1397 the middle of a suicidal ideation, unless it's written somewhere

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1398 it's hard to remember.

1399 So I even think a five-year-old knows to dial 911 when they  
1400 need to call the police, and we also think that having a dedicated  
1401 number like 311 or whatever it might be would reduce the burden  
1402 on 911 and get people to the right location the first time.

1403 Mr. Bilirakis. Agreed.

1404 Thank you. I yield back, Madam Chair.

1405 Mrs. Blackburn. Gentleman yields back.

1406 Mr. Engel, you're recognized.

1407 Mr. Engel. Thank you, Madam Chair.

1408 Mr. David Donovan, nice to see New Yorkers here. Welcome  
1409 to Washington.

1410 I am interested in the enforcement requirements of the PIRATE  
1411 Act.

1412 Mr. David Donovan. Yes, sir.

1413 Mr. Engel. You testified that pirate radio stations  
1414 outnumbered licensed stations in some major markets and, as in  
1415 understand it, the draft legislation in front of us today would  
1416 require, and I quote it, "sustained enforcement and attention on  
1417 pirate broadcasting," unquote, including the requirement that the  
1418 FCC conduct pirate radio enforcement sweeps in some markets.

1419 So to your knowledge, has any agency -- DOJ, FCC, or any other

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1420 -- conducted regular pirate radio enforcement sweeps in the past?

1421 Do you have a sense for the amount of time, money, and personnel  
1422 these sweeps would require?

1423 Mr. David Donovan. To my knowledge, the Department of  
1424 Justice had not done any sweeps. The FCC may have done one.

1425 In terms of time to do a sweep, for example, it took us four  
1426 days to find 76 pirates in New York City and in northern New Jersey.

1427 So the actual amount of those sweeps does not take that amount  
1428 of time, and in fact, with technology you can actually reduce the  
1429 amount of time that you need.

1430 For example, there are pirate -- there are radios that are  
1431 currently on the market that you connect to the internet and you  
1432 place them throughout New York City or northern New Jersey and  
1433 you can sit in the FCC's office in Washington or in New York and  
1434 literally turn the dial and you know what stations you have  
1435 licensed and you will be able to hear what stations aren't  
1436 licensed.

1437 That will tell you, depending on the location of where that  
1438 radio is, that we know we have 30 pirates near Flatbush or we have  
1439 some in the Bronx.

1440 What it does is by using technology in a smart way we'll  
1441 actually reduce the ability or reduce the burdens that are imposed

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1442 by doing sweeps.

1443 But, frankly, we've done sweeps -- I've done four sweeps over  
1444 the last several years and, again, I found 76 pirates in four days.  
1445 So it's not -- the burden of doing the spectrum sweep is really  
1446 not -- it can be done, and the FCC has the capability and equipment  
1447 to do it.

1448 And, sir, to be blunt, I will be more than happy work with  
1449 the Federal Communications Commission to help get those sweeps  
1450 done.

1451 Mr. Engel. Thank you.

1452 Ms. Morris, let me ask you a quick question. I think you  
1453 point out something really important in your written testimony  
1454 regarding the small entity regulatory bill.

1455 The Paperwork Reduction Act and the Regulatory Flexibility  
1456 Act already requires the FCC to contemplate the effects of new  
1457 protections on small businesses and there is already a number of  
1458 opportunities for small cable or phone companies to get waivers  
1459 under the FCC's procedures.

1460 So, in your view, are there too few avenues for small business  
1461 to be accommodated in FCC proceedings?

1462 Ms. Morris. It is my view that there are not too few -- that  
1463 there are sufficient avenues already at the FCC. I am sympathetic

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1464 to situations where a waiver, as in Mr. Gessner's case in his  
1465 testimony, was not able to be achieved in a timely fashion.

1466 We would simply advocate for a more surgical solution to  
1467 those specific problems rather than the blunt tools that are --  
1468 would be employed under SERRO.

1469 Mr. Engel. Thank you. Thank you, Madam Chair.

1470 I yield back my time.

1471 Mrs. Blackburn. Thank the gentleman.

1472 Mr. Johnson, you're recognized. Three minutes.

1473 Mr. Johnson. Thank you, Madam Chairman.

1474 Mr. Gessner, first of all, thanks for what you do in your  
1475 role as the president of Massollin Cable. You serve a large  
1476 number of people in one of my counties of 18, so I appreciate that.

1477 I saw in your comments that you highlighted one example where  
1478 the waiver process did not work in a timely fashion for you. Do  
1479 you have other statistics or insights that you could share with  
1480 us about that dynamic?

1481 Mr. Gessner. Thank you. Thank you for your question.

1482 Yes, I probably have four or five current examples that would  
1483 probably be more anecdotal than anything else. But by way of  
1484 description, I would refer to a staff report that was issued to  
1485 this committee in 2011 and it was entitled "The Staff Report on

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1486 Workload at the FCC."

1487           And part of their conclusion was, and I quote, "the  
1488 commission faces significant challenges in its work including a  
1489 significant backlog of unanswered petitions," and they went on  
1490 to note that more than 5,300 petitions, which was 20 percent of  
1491 the total petitions at that time, had been at the FCC for more  
1492 than two years, and that more than 3,000 petitions had been pending  
1493 before the FCC for more than five years.

1494           And I think that's -- it speaks volumes to the ability of  
1495 small entities who don't have on-staff attorneys to keep after  
1496 this process to see their petitions for needed relief through to  
1497 a conclusion.

1498           Mr. Johnson. And to give -- and to give our members and the  
1499 American people some idea of what that means on the business side,  
1500 I am told that this cost can be up to \$50,000 per year for a small  
1501 company that, while they're awaiting resolution.

1502           So you have got five years, that's \$250,000 out of that small  
1503 business. That's a -- that's a big pot of money.

1504           Mr. Gessner. Correct. That came from a more recent  
1505 petition request where a small telephone company applied for  
1506 relief, and while it was granted in about three years, they  
1507 estimated the cost to be about \$50,000 a year, which for them is

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1508 enough to hire another full time associate to actually serve  
1509 customers.

1510 Mr. Johnson. Okay. Well, thank you.

1511 Mr. Donovan, Mr. McKinley and Mr. Welch's bill, H.R. 2903,  
1512 embodies the spirit of our effort to close the digital divide  
1513 between rural and urban areas.

1514 What kind of data is necessary to close this divide on  
1515 wireless broadband coverage?

1516 Mr. Tim Donovan. Thank you, Congressman.

1517 As you know, the data that's currently on hand is not  
1518 reflecting the experience that you have. Your portion of Ohio  
1519 on the map looks like it's covered with service.

1520 I think you have explained to me before how that's not the  
1521 case.

1522 Mr. Johnson. We know that's not true.

1523 Mr. Tim Donovan. So what the bill does is it takes a look  
1524 at the services that are available in urban areas and uses that  
1525 as a measuring stick to see what services should be available.

1526 With that in place, you can then collect data based on the  
1527 experience that other Americans are having to make sure that  
1528 there's services available to everyone.

1529 Mr. Johnson. Well, thank you.

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1530 I wish we had more time to talk about it. But I understand  
1531 you need to yield.

1532 Thank you, Madame Chair.

1533 Mrs. Blackburn. I thank the gentleman for yielding.

1534 Mrs. Brooks for three minutes, please.

1535 Mrs. Brooks. Thank you, Madam Chairwoman.

1536 I am going to follow up on what my colleague from Ohio just  
1537 talked about, Mr. Donovan. Let's go on and allow you to answer  
1538 a bit with a bit more time.

1539 What kind of analysis does the FCC do as to whether or not  
1540 its USF policies are meeting the goals of the program and do we  
1541 have information on how effective USF program is in ensuring that  
1542 comparable service that you just started to talk about?

1543 Mr. Tim Donovan. Thank you, Congresswoman, and thank you  
1544 for joining the bill as a co-sponsor. We appreciate the support.

1545 So right now, as Mr. Welch noted during his opening  
1546 statement, there is no determination of what is reasonably  
1547 comparable services.

1548 So the FCC collects data. They collect Form 477 data. They  
1549 collected, in the case of mobility fund, a special one-time  
1550 collection of data.

1551 But they're not then going back and applying any sort of

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1552 report card over whether that's working, whether we are getting  
1553 the job done.

1554 And so we are continuing to move forward and as we are talking  
1555 frequently about 5G, there are places in the country that don't  
1556 have any G.

1557 We have a saying at CCA that you have to keep up with your  
1558 G's and when you start falling behind on the digital divide it  
1559 gets harder and harder to catch up.

1560 That becomes even more important as so many different aspects  
1561 of our society are connected.

1562 Mrs. Brooks. Is it fair to say if we -- if we do resolve  
1563 some of these issues involving the digital divide, whether it is  
1564 the targeted support through the USF program and siting reform,  
1565 access to spectrum, is it possible that those rural areas will  
1566 jump to 5G?

1567 Mr. Tim Donovan. Well, you just nailed the three-legged  
1568 stool of infrastructure, spectrum, and USF. Those are all  
1569 important to solving these problems in rural areas.

1570 And yes, so carriers that are now looking at making sure you  
1571 get to the 4G services or looking at how you can layer on top  
1572 of that at the same time the 5G services, whether it's through  
1573 technology or they're using different spectrum bands to make sure

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1574 that the same services are available in urban areas and rural  
1575 areas.

1576 Mrs. Brooks. Thank you. I will yield back the balance of  
1577 my time. I know we are trying to get other members in. Thank  
1578 you.

1579 Mrs. Blackburn. I thank the gentlelady.

1580 Mr. Collins, you're recognized.

1581 Mr. Collins. Thank you, Madam Chair.

1582 My question is directed to David Donovan.

1583 Thank you again for your testimony today on private radio.  
1584 This bill is going to create a database of licensed radio  
1585 operators. I call that a common sense kind of bill.

1586 I've bene battling this for years, primarily with our former  
1587 chair, Tom Wheeler who, frankly, as chair of the FCC did not seem  
1588 interested at all.

1589 I can assure you Ajit Pai, our new FCC chair, does take this  
1590 seriously, to which I think we are going to see a big change.

1591 You know, obviously, these pirate radio operators are  
1592 raising money. In some cases we have advertisers who have no idea  
1593 it's a pirate radio so, again, our common sense bill will let them  
1594 easily scan through and say oops, I am not going to be sending  
1595 money this way.

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1596           So in the -- to keep this brief, I will just turn it over  
1597 to you, David, to maybe comment on how this should work in helping  
1598 deprive these stations of revenue.

1599           Mr. David Donovan. Congressman, and thank you for your  
1600 leadership on the issue.

1601           I think one of the problems that you have in not just in New  
1602 York but in Florida, in Boston, in Connecticut is that your illegal  
1603 operators take on the aura of a legitimate station.

1604           As a result, advertisers, including folks buying political  
1605 time, have no idea that they're buying advertising on an illegal  
1606 station.

1607           I think it would be important for the FCC to create  
1608 transparency, which would be to list all the stations in a market  
1609 that are in fact licensed by the FCC.

1610           List all the stations that it knows are illegal, and that  
1611 list, making it easily accessible so you don't have to dig down  
1612 12 layers into the FCC database, would make it -- a website that's  
1613 publically available and easily accessible would go a long way  
1614 towards advertisers understanding oh, okay, this person isn't  
1615 licensed by the Federal Communications Commission.

1616           And I think that transparency in the marketplace would be  
1617 very, very important to helping to resolve those who are

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1618 facilitating illegal pirate operations, sir. I think it's a  
1619 great idea.

1620 Mr. Collins. And, hopefully, as you say, let's list the  
1621 illegal operators, hopefully under Chairman Ajit Pai, he'll be  
1622 putting them out of business instead of listing.

1623 Mr. David Donovan. We hope. Absolutely we hope, and with  
1624 the help of Congress to actually increase the enforcement tools  
1625 and your suggestion, I think that will go a long way.

1626 Mr. Collins. Well, thank you for your testimony.

1627 Madam Chair, I yield back.

1628 Mrs. Blackburn. The gentleman yields back.

1629 I have questions that I am going to submit in the interests  
1630 of time and, Tim and Mr. Gessner, they'll come to you -- looking  
1631 at the efforts we are doing on streamlining and how those, with  
1632 the FCC, how that will help speed broadband deployment. But I  
1633 will submit that.

1634 Mr. Madigan, I've got one that will come to you. We will  
1635 UC Mr. Tonko on for either submission or questions or a real quick  
1636 ask?

1637 Mr. Tonko. Real quick ask, and I thank you for waiting  
1638 beyond to the subcommittee, Madam Chair.

1639 I have several serious concerns with pirate radio and the

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1640 weakness of current enforcement, which, in turn, has encouraged  
1641 pirate radio operators to continue undeterred.

1642 For years now, I, along with many members of New York and  
1643 New Jersey delegations, have voiced our concerns on this issue,  
1644 yet pirate radio operators are as prevalent as ever and their  
1645 actions have been met with few consequences.

1646 This legislation, obviously, comes in response to the  
1647 growing number of pirate radio broadcasters in the region that  
1648 are harming consumers and public safety.

1649 According to complaints filed with the FCC, the number of  
1650 pirate FM radio stations throughout New York City could outnumber  
1651 the number of licensed operations while the problem in northern  
1652 New Jersey may be equally as pervasive.

1653 In Albany, we had a problem with private radio operators  
1654 where a private -- a pirate radio station was interfering with  
1655 another legitimate station and was a nuisance to my constituents  
1656 who were exposed oftentimes to what was vulgar language.

1657 I've worked on this legislation and am proud to have done  
1658 so in a bipartisan way with Congressman Leonard Lance, and I hope  
1659 that this committee will work and move this forward.

1660 To Mr. Donovan -- Mr. David Donovan, what effect can pirate  
1661 radio have on the emergency alert systems?

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1662 Mr. David Donovan. What it does is it interferes with those  
1663 who rely on the emergency alert system -- consumers who are  
1664 listening to the radio.

1665 Pirate stations don't participate in the alert system and  
1666 the pirate stations actually interfere with the EAS signals that  
1667 consumers rely on.

1668 In addition to that, it also interferes with any important  
1669 lifesaving news that follows up. You take it one step beyond,  
1670 and apart the EAS, the interference to FAA frequencies is rather  
1671 scary because the enforcement is post hoc.

1672 The interference occurs while the plane is trying to land,  
1673 and then you have to go try to find the pirate, and those  
1674 situations, taken together, create a very dangerous situation,  
1675 sir.

1676 Mr. Tonko. Thank you for that clarification.

1677 Mrs. Blackburn. Mr. Tonko, I need to limit you to that  
1678 question.

1679 Mr. Schrader has come in and they have called the vote. If  
1680 you don't mind.

1681 Mr. Tonko. Okay. Thank you. Okay. Thank you.

1682 Mrs. Blackburn. The gentleman yields back.

1683 Mr. Schrader, you're recognized three minutes.

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1684 Mr. Schrader. Thank you, Madam Chair and Ranking Member  
1685 Doyle, for allowing me to sit in.

1686 Sorry I couldn't spend more time here throughout the hearing.  
1687 We are bouncing back and forth. We've got another hearing in the  
1688 Health Subcommittee that we are talking care of, too.

1689 I just want a few minutes to speak in favor of H.R. 3787,  
1690 the Small Entity Regulatory Relief Opportunity Act. It's a bill  
1691 I am working on with Representative Latta. I want to thank him  
1692 and his team for all their help and support. Good bipartisan  
1693 effort here.

1694 Every member of the committee wants to expand rural  
1695 broadband. The answer to doing that isn't necessarily always  
1696 more money. Burdensome regulations harm many of these small  
1697 entities' ability to grow, expand, and hire new employees, and  
1698 maybe we can do something to alleviate some of those burdens.

1699 Hopefully, by establishing some of these streamlined  
1700 procedures in the bill, by obtaining waivers from regulations that  
1701 are often unnecessary and not even designed for these smaller  
1702 entities we provide a little relief for our small telecom  
1703 providers, with a little greater certainty and efficiency to help  
1704 them to continue to do the things they do best for our very, very  
1705 small and rural communities.

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1706           At the basic level, we are finally recognizing locally-based  
1707 small business do not have the same ability as major corporations  
1708 to comply.

1709           Many of these small entities have an entire workforce of,  
1710 like, eight or 10 people. They don't have the resources or floor  
1711 of lawyers to file petition after petition with the FCC.

1712           I think it's incumbent we all recognize and acknowledge that  
1713 these unique -- that there are unique business regulatory  
1714 challenges for these small entities and we are trying to help them  
1715 with this bill here and would hope the committee and Congress and  
1716 gentleman out there would share and consider this bill.

1717           Thank you very much.

1718           Mrs. Blackburn. And I think there's been plenty of support  
1719 expressed for that today, and also Representative Stewart has  
1720 entered the room and we thank him for the work that he has done  
1721 on the suicide bill.

1722           Seeing there are no further members wishing to ask questions  
1723 for the panel, I want to thank our witnesses very much for your  
1724 patience today, for being here with us.

1725           As we've said, it is a busy day, just a few things going on,  
1726 both in Energy and Commerce and on the floor.

1727           Before I conclude, I ask unanimous consent to enter the

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1728 following documents in the record: Mr. Donovan's slide, and Mr.  
1729 Lance, the New York State Broadcasters pirate radio study.

1730 Without objection, so ordered.

1731 [The information follows:]

1732

1733 \*\*\*\*\*COMMITTEE INSERT 7\*\*\*\*\*

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1734           Mrs. Blackburn. Pursuant to committee rules, I remind  
1735 members that they have 10 business days to submit additional  
1736 questions for the record and I ask that each of you witnesses  
1737 respond to these questions within 10 business days upon receipt  
1738 of those questions.

1739           Seeing no further business to come before the subcommittee  
1740 today, the committee is adjourned.

1741           [The Bills H.R. 2345, H.R. 2903, Enhanced Penalties for  
1742 Pirate Radio, and H.R. 3787 follow:]

1743

1744 \*\*\*\*\*INSERT 8\*\*\*\*\*

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[Whereupon, at 12:42 p.m., the committee was adjourned.]

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